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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,834

05/15/2006

Franz Muchel

GK-ZEI-3302/500343.20323

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26418

7590

08/28/2008

REED SMITH, LLP

ATTN: PATENT RECORDS DEPARTMENT

599 LEXINGTON AVENUE, 29TH FLOOR

NEW YORK, NY 10022-7650

EXAMINER

THOMPSON, TIMOTHY J

ART UNIT

PAPER NUMBER

2873

MAIL DATE

DELIVERY MODE

08/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,834	Applicant(s) MUCHEL, FRANZ	
	Examiner TIMOTHY J. THOMPSON	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on an amendment filed 7/17/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 10, 13 and 15 is/are rejected.
- 7) ☒ Claim(s) 11, 12 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 10, 13, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiraga(U.S. Pat. No. 6,560,033).

Regarding clam 9, Hiraga discloses, a collector assembly(fig 2, G1, G2); and an apochromaticizing adapter assembly which is associated with the collector assembly(fig 2, G3).

Regarding clam 10, Hiraga discloses the adapter assembly has three lenses(fig 2, G3), wherein one lens having negative power(table 2, r9-r10) is arranged between two lenses having positive power(table 2, r8-r9, r10-r11).

Regarding clam 13, Hiraga discloses wherein the collector assembly has two lenses(fig 2, r1-r2, r3-r4).

Regarding clam 15, Hiraga discloses designed for wavelengths in the range of 365 nm to 644 nm(col 8, lines 5-20 since the aberration diagram is wavelengths within the wavelength range).

Claims 9, 10, 13, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sharma(U.S. Pat. No. 2004/0109238).

Regarding clam 9, Sharma discloses, a collector assembly(fig 3, 24, 27); and an apochromaticizing adapter assembly which is associated with the collector assembly(fig 3, 21-23).

Regarding clam 10, Sharma discloses the adapter assembly has three lenses(fig 3, 21-23), wherein one lens having negative power(fig 3, 22) is arranged between two lenses having positive power(table 3, 21, 23).

Regarding clam 13, Sharma discloses wherein the collector assembly has two lenses(fig 3, 23, 27).

Regarding clam 15, Sharma discloses designed for wavelengths in the range of 365 nm to 644 nm(para 0036, 0037).

Response to Arguments

Applicant's arguments filed 7/17/2008 have been fully considered but they are not persuasive. The applicant's arguments that Hiraga does not disclose a collector assembly and a apochromaticizing assembly. Regarding the collector Hiraga discloses a first positive meniscus lens with the convex surface facing the second lens, and the second lens being a positive bi-convex lens. This is the same structure as the applicant's collector assembly, thus Hiraga discloses a collector lens system. Regarding the adaptor assembly Hiraga discloses a triplet consisting of a first bi-convex lens a second bi-concave lens followed by a third bi-convex lens. This is the same structure the applicant has, thus Hiraga discloses an apochromaticizing adapter assembly.

Regarding the Sharma lens system, the collector of Sharma discloses a first positive meniscus lens with the convex surface facing the second lens, and the second

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lens being a positive bi-convex lens. This is the same structure as the applicant's collector assembly, thus Sharam discloses a collector lens system. . Regarding the adaptor assembly Hiraga discloses a first bi-convex lens, a second bi-concave lens followed by a third positive convex lens. This is the same structure the applicant has, thus Hiraga discloses an apochromaticizing adapter assembly.

Allowable Subject Matter

Claims 11, 12, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The allowable features being; the three lenses are separated from one another by air gaps, and the lens surfaces facing the air gaps have identical radii(claim 11); wherein the optical characteristics of the two lenses having positive power are identical(claim 12); wherein means are provided for detachably connecting the adapter assembly to interchangeable collector assemblies which have different optical characteristics(claim 14) .

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY J. THOMPSON whose telephone number is (571)272-2342. The examiner can normally be reached on 8:30 AM - 6:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mack Ricky can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Timothy J Thompson/
Primary Examiner, Art Unit 2873